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2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE DISTRICT OF ARIZONA**

4 **IN RE BARD IVC FILTERS**
5 **PRODUCTS LIABILITY LITIGATION**

6 No. MD-15-02641-PHX-DGC

7 **AMENDED MASTER SHORT FORM**
8 **COMPLAINT FOR DAMAGES FOR**
9 **INDIVIDUAL CLAIMS AND JURY**
10 **DEMAND**

11 Plaintiff(s) named below, for their Complaint against Defendants named below,
12 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
13 Plaintiff(s) further show the Court as follows:

- 14 1. Plaintiff/Deceased Party:

15 Justin Wayne Heath (Plaintiff)
16

- 17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
18 consortium claim:

19 N/A
20

- 21 3. Other Plaintiff and capacity (i.e. administrator, executor, guardian,
22 conservator):

23 N/A
24

- 25 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
26 the time of implant:

27 Tennessee
28

- 29 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
30 the time of injury:

31 Tennessee
32

- 33 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

34 Tennessee
35

1 7. District Court and Division in which venue would be proper absent direct
2 filing:

3 U.S. District Court – Middle District of Tennessee, Nashville Division
4

5 8. Defendants (check Defendants against whom Complaint is made):

6 C.R. Bard Inc.

7 Bard Peripheral Vascular, Inc.

8 9. Basis of Jurisdiction:

9 Diversity of Citizenship

10 Other: _____
11 Other allegations of jurisdiction and venue not expressed in Master
Complaint:
12 _____
13 _____
14 _____

15 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is (are) making
16 a claim (check applicable Inferior Vena Cava Filter(s)):

17 Recovery® Vena Cava Filter

18 G2® Vena Cava Filter

19 G2® Express (G2® X) Vena Cava Filter

20 Eclipse® Vena Cava Filter

21 Meridian® Vena Cava Filter

22 Denali® Vena Cava Filter

23 Other: _____

24 11. Date of implantation as to each product:

25 February 27, 2008
26 _____

27 12. Counts in the Master Complaint brought by Plaintiff(s):

28 Count I: Strict Products Liability – Manufacturing Defect

- Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable _____ (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

26 13. Jury Trial demanded for all issues so triable?

- 27 Yes
28 No

1 RESPECTFULLY SUBMITTED this 16th day of November 2017.
2
3

4

5 **LAW OFFICES OF BEN C. MARTIN**

6 By: /s/ Ben C. Martin
7

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24

25 **ATTORNEYS FOR PLAINTIFF**
26

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ben C. Martin

Ben C. Martin